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Violence-Free Schools Policy

1994

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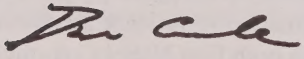
Foreword

In November 1993, I announced the Ministry of Education and Training's action plan to address the issue of violence in schools. Included in the plan were ten initiatives for violence-free schools for immediate implementation. Some of these initiatives referred to the development by school boards of violence-prevention policies as well as procedures for reporting violent incidents to the police and the Ministry of Education and Training and for recording such incidents. Another important initiative focused on the holding of a community summit and local summits on the issue of violence in schools.

On March 5, the community summit took place at Queen's Park to begin the consultation process on the ministry's draft violence-prevention policies. These policies had been developed with the support of a broad range of stakeholders who formed the Minister's Work Group on Violence Prevention, which was chaired by my parliamentary assistant, Tony Martin. The consultation process on these draft policies continued throughout April and May at eighteen local summits held in locations across the province.

The input of summit participants was used in revising the draft policies, which appear in their final form in *Violence-Free Schools Policy*. This document, which reflects the work of not only the Minister's Work Group on Violence Prevention and ministry staff but also of all summit participants, is a model of the consultation process. It truly symbolizes collaborative effort and community involvement in a shared commitment to violence-free schools.

I am confident that, as school boards work with their community partners in developing violence-prevention policies, Ontario schools will become learning environments in which staff and students are free to focus their energies entirely on the teaching/learning process.



Dave Cooke
Minister of Education and Training

All school boards shall develop a violence-prevention policy in consultation with community partners.

School Board Violence-Prevention Policy

In recent years, a common perception has emerged that violence has become more pervasive throughout society, including in our schools. Violence in schools reflects what is happening in society as a whole. Violence is a societal problem and, to confront and reduce it, all parts of society must be involved, including schools.

All school boards[1] shall develop a violence-prevention policy in consultation with community partners, including students, staff,[2] parents or guardians, community agencies, services such as the police, community organizations that reflect the diversity of the community (including racial and ethnocultural groups within the board's jurisdiction), the Aboriginal community, and business and labour and other groups. Where a board already has in place policies for violence prevention, these policies shall be reviewed to ensure that they meet the requirements set out in this document. An outreach strategy shall be developed to encourage those traditionally not heard from to participate in the process of policy development or review.

The pooling of resources and ideas among school boards, especially those within the same geographical area, is encouraged.

Several of the required components of school boards' violence-prevention policies come under the exclusive jurisdiction of boards' minority-language sections. (The procedures with respect to reporting violent incidents to the police and to the Ministry of Education and Training as well as the recording of such information are the responsibility of school boards.) French-language boards and sections shall develop (or review) a policy and implementation plans that adhere to section 23 of the Canadian Charter of Rights and Freedoms (Constitution Act, 1982) and Parts XII and XIII of the Education Act (R.S.O. 1990, c. E.2). The ministry wishes to emphasize that, in French-language schools, all aspects of dealing with violent incidents should be conducted in French whenever possible.

Given the unique status of Aboriginal people, and acknowledging their desire to focus on alternative approaches to violence prevention, school boards are encouraged to work closely with both First Nations communities and urban-centred Aboriginal communities within their service area.

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1. For the purposes of this document, "school boards" refers also to minority-language sections in the context of the policy components that fall within the exclusive jurisdiction of the sections.

2. For the purposes of this document, "staff" refers to all employees of a school board.

Information on community involvement in the development process must be included in the board's submission to the ministry.

The development or review of violence-prevention policies and plans for their implementation should be linked to the development and implementation of other required policies such as antiracism and ethnocultural-equity policies, policies outlined in *The Common Curriculum, Grades 1–9, February 1993,* drug-education policies, and policies that arise from addressing the various discriminatory categories outlined in the Ontario Human Rights Code. The content of these policies has direct relevance to violence prevention. In addition, school boards can build on relationships with the community fostered during the development and implementation of these related policies.

The development of violence-prevention policies should be linked to the development and implementation of other required policies.

Boards are encouraged to continue to address some of the root causes of violence through their initiatives to prevent violence against women as well as child abuse. School-based services projects that link school boards to shelters for battered women have demonstrated the value of collaborating with community agencies in providing services to children from violent homes.

Existing ministry resources that may be helpful in the policy-development process include *Antiracism and Ethnocultural Equity in School Boards: Guidelines for Policy Development and Implementation, 1993*; *Changing Perspectives: A Resource Guide for Antiracist and Ethnocultural-Equity Education, 1992*; *Values, Influences, and Peers (VIP), 1984*; *Discipline, Intermediate and Senior Divisions, 1986*; and *Behaviour, 1986.* As well, school boards' materials on co-operative small-group learning, particularly those that address the teaching of interpersonal skills, will be of assistance in developing policies and implementation plans. Materials prepared by school boards for use in special education settings for students with behavioural difficulties may be useful for other classes as well. Also, community agencies will often share information that may be helpful in developing school programs.

Procedures for Reporting and Recording Violent Incidents

Procedures for reporting and recording violent incidents shall be developed in concert with school boards' community partners.

Those boards that already have in place procedures for the reporting and recording of violent incidents should review them to ensure that they are consistent with the requirements set out in Part Two of this document.

Relevant legislative and regulatory provisions are summarized in Part Two of this document.

Implementation and Evaluation

The effectiveness of the policies will be monitored and evaluated by school boards every three years.

For the components of the violence-prevention policy discussed in Part One of this document (and any others a school board chooses to add), the school board will develop an implementation plan that considers timelines; in-service training for all staff; the effective communication of the policy to schools, staff, students, parents or guardians, and the community; and the monitoring and evaluation of the effectiveness of the policy.

The implementation plan will be based on identified local needs of the school board and schools and should include clearly stated objectives. The implementation plan will be developed with and communicated to the schools, staff, students, parents or guardians, and the community.

The development process for implementation plans will be conducted in the language of the school board or minority-language section.

The effectiveness of the policies will be monitored and evaluated by school boards every three years, and the input of students, staff, parents or guardians, the community, and agencies will be taken into consideration. The results of monitoring and evaluation will be used by school boards to revise their violence-prevention policies to improve effectiveness and address newly identified needs. Progress and policy changes will be reviewed by the ministry at the end of the initial three years of implementation.

Implementation plans for the components of boards' procedures for reporting and recording violent incidents, discussed in Part Two of this document, will include strategies for communicating the procedures effectively to schools, staff, students, parents or guardians, and the community, and may also contain plans for in-service training for all staff.

Timelines for Policy and Procedures Development/Review, Implementation, and Submissions

Policies must be implemented or in place no later than September 1995.

Boards must begin their development or review of violence-prevention policies and implementation plans and of procedures for reporting and recording violent incidents by September 1994. Once adopted, a board's policy, procedures, and implementation plans, along with information on community involvement in the development process, must be sent to the appropriate regional office of the Ministry of Education and Training for approval. Submissions may be made at any time, but no later than June 30, 1995, and the policies must be implemented or in place no later than September 1995.

In September 1994, boards will commence collecting data on incidents resulting in suspension or expulsion for violent behaviour, and those reported to the police, as discussed in Part Two of this document, for submission to the ministry in September 1995.

PART ONE

Framework for School Boards' Violence-Prevention Policies

I Introduction

Threats of physical harm, bullying, or continual verbal harassment can be as debilitating to the victim as a physical attack.

Schools are places of learning. Students, their families, school staff, and the community have the right to expect that schools be safe and free of violence. However, students must also come to understand that violence outside the school environment is unacceptable. If violence is to be prevented in the long term, schools must help all students to learn how to handle conflict and anger in non-violent ways, and prepare them for responsible citizenship. This can be a challenging task for schools at a time when some children are witnesses to or victims of abuse in their own homes and many children see violence glamorized or sensationalized in the media. To prevent future incidents of violence, schools and school boards must work in co-operation with the community as a whole, including students, staff, parents or guardians, social agencies and services, racial and ethnocultural minority organizations, the Aboriginal community, and business and labour and other groups.

Violence has the effect or potential effect of hurting the health and welfare of an individual. It can be physical, verbal (oral or written), emotional, sexual, or racial, and can be directed against one individual or a group of individuals. Violence can also be expressed as acts of vandalism and damage to property. At the far end of the continuum of violence are criminal acts. However, if we are to reduce violence in schools and in society, incidents at all points along the continuum, even those which seem minor, must be stopped or prevented. Threats of physical harm, bullying, or continual verbal harassment (e.g., in reference to an individual's disability) can be as debilitating to the victim as a physical attack. If ignored, these incidents can escalate in severity.

For example, racial slurs expressed by one individual, if ignored, may be perceived as acceptable by other students, and may escalate to fighting. Students from minority groups may feel threatened, even if they were not directly involved in the original incident. As well, students may engage in violent behaviour in response to the racial harassment. In such cases, the individual subjected to the original attack may, while still remaining a victim, also become a perpetrator. Similar instances can result from harassment based on linguistic differences; ethnocultural harassment; sexual harassment; religious intolerance; or discrimination on the basis of sexual orientation, class/income level and occupation, disability, or characteristics such as appearance. It is important that in responding to such incidents, schools investigate and address the underlying causes, as well as deal immediately with the incident itself.

Violence has a contaminating effect. It affects not only the victim and the perpetrator, but also friends and families of both, witnesses, the school, and the broader community. When a violent action takes place and there are no apparent consequences for the perpetrator or no action taken for the protection of the victim, the perception is that violence is being condoned.

The following framework is to be used by school boards in developing policies and implementation plans for violence prevention and in reviewing existing policies. The framework was developed with input from the Minister's Work Group on Violence Prevention and with public consultation through a series of summits held in locations across Ontario.

II Purposes and Goals of Violence-Prevention Policies

The purposes of violence-prevention policies developed by school boards are to:

- reduce and try to eliminate the incidence of violence in schools;
- provide for students and staff opportunities to develop the skills necessary to handle violent and potentially violent situations;
- promote the long-term prevention of violence by preparing students to manage their lives and relationships in non-violent ways.

The goals of violence-prevention policies developed by school boards shall be to:

- develop and maintain a safe, welcoming, violence-free school environment;
- enable students to develop the knowledge, skills, and attitudes necessary to prevent violence and to deal with violent and potentially violent situations;
- ensure that staff develop the skills, confidence, and knowledge necessary to recognize and handle violent or potentially violent incidents and to educate students about violence and violence prevention;
- assist students and staff in managing their own anger, frustrations, and conflicts without resorting to aggression;
- ensure that victims, potential victims, witnesses, and perpetrators know that the school will act to stop or prevent violence or harassment;
- help students to understand what constitutes acceptable behaviour in the school and society at large, to behave appropriately, and to be aware of the consequences of not doing so;
- encourage the whole community (including students, parents or guardians, staff, community organizations, agencies and services, business and labour and other groups) to support violence-prevention initiatives and to play an active role in promoting violence prevention.

III Policy Components

The eight components outlined here must be addressed in school boards' violence-prevention policies. School boards may also want to include other components, depending on their local situations, and may already have policies in place for some or all of these components. In the latter case, current policies will be reviewed in collaboration with school boards' communities, and will then be amalgamated in the formulation of an overall policy for the use of students, staff, parents or guardians, and the community.

A. The School Environment

The school environment is both physical and social. It includes the school building, its surroundings, the people in it and the way they interact, the material resources, and the extensions of this environment that are necessary for the delivery of the program (e.g., field trips, school buses) and extracurricular activities. The school environment must be welcoming to everyone learning and working in it. Actions that threaten the school environment, such as intimidation by groups or the distribution of hate literature, must be addressed by schools and school boards to avoid creating a climate of fear and further violence. The school environment must also be safe so that learning can take place.

School boards and schools should consider the elements of a safe, welcoming, violence-free environment that promote a sense of belonging, including assurance that:

- physical, verbal (oral or written), sexual, or psychological abuse; bullying; or discrimination on the basis of race, culture, religion, gender, language, disability, sexual orientation, or other attributes such as income or appearance is deemed unacceptable behaviour on the part of any member of the school community;
- positive behaviour is acknowledged and rewarded, and modelled by all staff;
- discipline strategies are fair and non-violent and focus on teaching students about appropriate behaviours while maintaining their self-respect;
- a sense of responsibility, empowerment, and ownership is encouraged by all members of the school community;
- achievement and wellness are fostered for all students;
- wide participation in extracurricular activities by all students is encouraged;
- parental involvement and community participation are invited.

It is expected that all adults and students in the school community will interact with each other with respect and in a peaceful manner.

In achieving a safe environment, school boards should consider the following elements:

- physical-plant aspects such as proper lighting; the securing of unsafe areas; safe storage of dangerous objects
- safety measures such as the presence of responsible adults in the schoolyard and in the corridors
- a safety audit during which input is gathered from staff and students, with particular focus on the concerns of those who may feel most vulnerable, for example, those with disabilities and female staff and students
- procedures for dealing with visitors and strangers in the school
- the establishment of a safe-school committee with strong emphasis on student participation

Violence prevention must be incorporated into all aspects of the curriculum for students from Junior Kindergarten to the end of secondary school.

The effective integration of all the components of the violence-prevention policy will be reflected in the school atmosphere and the safety of the school environment.

B. Violence Prevention in the Curriculum

Many school boards, schools, and teachers have made the inclusion of violence prevention in the curriculum a priority. Violence prevention must be incorporated into all aspects of the curriculum for students from Junior Kindergarten to the end of secondary school.

The Common Curriculum includes cross-curricular and program-area outcomes that relate to violence prevention and citizenship. These learning outcomes must be part of the programs to be planned and delivered for Grades 1 to 9. These outcomes may also be used as a guide for planning Junior Kindergarten/Kindergarten programs and secondary-school courses beyond Grade 9. The outcomes in *The Common Curriculum* emphasize the understanding of different cultures; commitment to peace and social justice; the development of skills necessary for getting along well with others and being a responsible citizen; respect for human rights; and the building of healthy relationships.

School boards and schools must develop or build on programs and activities that enable all students to achieve the outcomes in *The Common Curriculum*. These outcomes include knowledge, skills, and values necessary for dealing with and preventing violence. For example, learning activities in the program areas are to be designed to enable students to develop skills for peaceful and co-operative problem solving; to recognize the impact of positive and negative power relationships; and to be able to contribute to social change through democratic action.

Many opportunities exist for integrating learning about non-violence into the curriculum. Boards shall examine all areas of their curriculum to ensure that non-violence is promoted. Non-violent role models from history, literature, and the community should be studied. Students must have opportunities to think critically about current events; their own experiences; the depiction of violence in human history, the media, news coverage, and literature; and the causes of violent behaviour. Students are expected to develop an understanding of and respect for the laws of Canada.

However, students must do more than "study" non-violence. Experiential learning and the ability to apply the skills acquired at school in their daily lives in the community are essential. The curriculum must provide opportunities for students to:

- understand how to be alert and prudent about personal safety;
- develop, practise, and reflect on interpersonal, communication, and problem-solving skills such as negotiation, mediation, management of conflicts, assertiveness, and the ability to cope with change or frustration;
- develop self-confidence and enhance self-esteem;
- acquire the ability to understand, respect, and care for others;
- acquire skills that will be useful in their existing and future relationships, such as parenting;
- develop the ability to value the diversity of people and of points of view in society.

School boards should consider how to incorporate in the curriculum a number of instructional strategies, such as role playing and co-operative learning, to help students deal with anger and conflict and develop interpersonal skills.

Physical education and extracurricular sports provide opportunities to develop team spirit and co-operation, and to learn how to compete in non-violent ways. When schools compete in various sports activities, students and staff should make every effort to ensure that such events do not degenerate into violent rivalries among teams or fans. It is expected that school athletes and coaches will stress positive attitudes and fair-mindedness, since they are role models to other students.

The development of violence-prevention programs will be most effective if done in collaboration with students, staff, parents or guardians, and the community, including the Aboriginal community and racial and ethnocultural minority organizations. In developing appropriate strategies, programs, and resources, school boards should consider community resources, such as speakers, not-for-profit groups, or local agencies, which can be very helpful in the development and implementation of curriculum.

Equity

Education that incorporates the principles of equity helps all students acquire the knowledge, skills, attitudes, and sense of belonging they need to become effective, participating members of society.

Students need to understand that any form of discrimination hurts them, their community, and society, and is unacceptable. Forms of discrimination may include:

- racism, or intimidation and discrimination based on ethnocultural, religious, or linguistic differences;
- sexism, sexual harassment, and gender inequities;
- homophobia, or discrimination based on sexual orientation;
- discrimination based on class/income level and occupation;
- discrimination based on disability;
- intolerance based on other characteristics, such as appearance.

Curriculum must be free of bias and must reflect the diverse groups that compose our society. It must enable "all students to see themselves reflected in [it]" and "provide each student with the knowledge, skills, attitudes, and behaviours needed to live in a complex and diverse world" (*Antiracism and Ethnocultural Equity in School Boards*, p. 13).

The provision of equitable education requires that a variety of teaching and learning strategies be used so that the wide range of student backgrounds, needs, interests, and abilities is accommodated.

C. Early and Ongoing Identification for Prevention

Efforts to prevent violence are more beneficial to learners and to society than are those made to deal with its aftermath.

Components (A) and (B) address violence-prevention strategies for all students. However, there will always be some students who need additional support to prevent them from becoming involved in antisocial behaviour. School boards' violence-prevention policies should try to address the root causes of violence. They should indicate how school boards will forge linkages with community partners and support school administrators and teachers working with parents and community partners in order to meet the needs of students and their families.

School boards should build on their early-identification practices by ensuring that children at risk of being bullies and/or victims are identified and helped at the earliest possible stage. Identification should be followed as soon as possible by intervention. The focus must be on helping children to develop appropriate social and other skills, rather than on labelling them. As much as possible, this assistance should take place within the classroom and with the involvement of parents or guardians.

Students may be faced with particular life challenges or disabilities that could increase their potential to be victims and/or aggressors. It is essential that staff work collaboratively with students, parents or guardians, and the community to develop strategies that reduce this risk. The different learning needs of students with disabilities must be taken into account. Teaching methods may require modification to help individual students understand what is expected of them.

Changes in students' lives may result in changes in academic, social, emotional, or physical behaviours. It is essential that staff be alert to potential difficulties and the students' need for formal or informal support. Good communication between staff, students, and families can help to identify stressful times in students' lives during which additional support may be needed.

As well as helping students to reduce their bullying, anger, or timidity, programs should capitalize on their strengths, enabling them to develop a healthy self-concept and appropriate interpersonal skills. Careful goal setting and planning are essential for students at risk of violent behaviour, so that, through improved opportunities for them to be successful, they will be more likely to reach learning outcomes, obtain credits, get a diploma, or find a job.

Boards' policies should include the development of support, planning, and progress monitoring for students at risk of being involved in violent incidents, and alternative programs and opportunities for students, such as mentoring.

D. Code of Behaviour

School boards must ensure that every elementary and secondary school has a code of behaviour approved by the board that communicates to all members of the school community the types of behaviour expected from them. This code should be reviewed regularly (at least every three years) with students, staff, parents or guardians, and the community. The policy circular *Ontario Schools, Intermediate and Senior Divisions (Grades 7-12/OACs): Program and Diploma Requirements, 1989* already requires all secondary schools to enunciate a clear code of student behaviour. The policy is now being extended to require a code that provides clear expectations with regard to acceptable and non-acceptable behaviour for all members of the elementary and secondary school community (students, staff, and visitors).

The code will:

- be developed with students, staff, parents or guardians, and the community;
- state unequivocally that physical, verbal (oral or written), sexual, or psychological abuse; bullying; or discrimination on the basis of race, culture, religion, gender, language, disability, sexual orientation, or any other attribute is unacceptable;
- state that damage to property in the school environment (including school grounds, school buses) is unacceptable;
- establish clear and fair consequences for unacceptable behaviour (where staff violate the code of behaviour, consequences will derive from boards' existing personnel policies and procedures);

- be prominently displayed in the school; effectively communicated to all; and understood by students, staff, parents or guardians, and the community.

School boards can help schools to develop their codes of behaviour by creating clear guidelines for the development of such codes.

E. Procedures for Dealing with Violent Incidents

With the input of staff, students, parents or guardians, the community, and services such as the police, school boards will develop a set of procedures for dealing with the range of violent incidents that could occur in the school environment, including incidents that might involve students, staff, or visitors. Such procedures will enable staff and students to deal with incidents effectively, consistently, and fairly. It is expected that the procedures will help to prevent recurrences, thus making the school safer.

Part Two of this document, "Procedures for Reporting Violent Incidents to the Police and the Ministry of Education and Training and for Recording Violent Incidents", provides specific guidelines for reporting serious violent incidents to the police, and for the recording of information about violent incidents that lead to the suspension or expulsion of a student or calls to the police.

The following serious violent incidents must be reported to the police: possession of weapons (e.g., guns, knives); threats of serious physical injury; physical assaults causing serious bodily harm; sexual assault; robbery and extortion; any hate-motivated violence (e.g., violence involving racism or homophobia); and vandalism causing extensive damage to school property or property located on school premises.

School boards shall develop guidelines for dealing with violent incidents that do not necessarily require involvement of the police; for example, schoolyard fights that do not result in serious bodily harm, racial and ethnocultural harassment, sexual harassment, the distribution of hate literature, and minor acts of vandalism. These guidelines should be developed in collaboration with the schools and the community to ensure that there is consistency between boards' guidelines and schools' codes of behaviour.

When considering responses to violent incidents, school boards should take the following factors into account:

- the type of incident
- all the facts, circumstances, and individuals involved
- the degree of harm caused to the victim and school community
- the age of the individuals involved
- the decision regarding when and how to involve parents or guardians, the school board, and external agencies, including the police, and, where appropriate, First Nations policing units

- consistency with procedures for recording and reporting violent incidents (see Part Two of this document)
- the underlying causes of the violence, for example, racism, sexism, homophobia, drugs, and gangs
- the repeated occurrence of violent incidents
- support to the victim(s), witnesses, and the school community, including treating the victim with support and respect
- the consequences for the perpetrator (including exclusion from the regular classroom, suspension, expulsion, community service, restitution, as well as participation in rehabilitation programs which may involve other agencies)

Fairness, firmness, and sensitivity should be the criteria used when applying the procedures.

The school board or school principal may wish to set up a crisis-intervention team, comprising staff and student representatives, to handle incidents involving violence and situations that could lead to violence. The involvement of community members such as Aboriginal Elders can also be helpful in dealing with violent or potentially violent situations. In some instances, conflict-resolution or peer-mediation programs could be helpful; these have the advantage of allowing the individuals involved to negotiate as relative equals. However, in serious situations, this type of response is not appropriate. Teaching/learning as an immediate follow-up to an incident should be integrated into the regular program to prevent further occurrences.

The school in which the incident occurred must examine the causes, since underlying issues may exist that should be addressed to prevent further incidents. Fairness, firmness, and sensitivity should be the criteria used when applying the procedures.

Where the police and outside agencies are involved with students from French-language schools or sections, every effort should be made to ensure that violent incidents are dealt with in French.

F. Dealing with the Aftermath of an Incident

School boards, with the assistance of the community, will develop short- and long-term strategies to follow up on violent occurrences. These strategies will deal with the provision of programs and services designed to:

- promote the security and healing of the victims;
- plan carefully the re-entry and rehabilitation of the perpetrators, including links with youth services;
- support the ongoing education of the perpetrator;
- support the well-being and security of witnesses and the broader school community (e.g., by ensuring confidentiality);

- address the underlying problems that may have contributed to the violent incident, for example, abuse in the home, gang-related activities, substance abuse, behavioural difficulties, sexism, or racism;
- facilitate the ongoing involvement of local and social agencies and the community to address the issues that may have contributed to the incident.

G. Staff Development

School boards should provide opportunities for all staff to acquire the knowledge, skills, and values necessary to develop and maintain a violence-free school environment.

School boards should provide opportunities for all staff to acquire the knowledge, skills, and values necessary to develop and maintain a violence-free school environment.

Educators must be prepared for their role as teachers of violence prevention, and as facilitators of the resolution of conflicts. They must also know how and when to call on the support of others, within both the school and the community. In-service training is an essential component of violence-prevention policy. Linkages between school boards and faculties of education could be beneficial to both parties, as faculties of education must also prepare future teachers through their pre-service curriculum in the area of violence prevention.

As part of their implementation plans, school boards/schools must determine priorities for staff development. Boards may wish to pursue opportunities to develop training programs in collaboration with other groups, such as the police, social-service agencies, community organizations, Aboriginal Elders, and parent associations.

When determining staff-development priorities and implementation plans, the following elements should be considered:

- For all staff:
  - recognizing signs of physical, sexual, or mental abuse, and knowing what to do (e.g., to whom to report an incident)
  - applying school board and school procedures in a fair and consistent manner
  - identifying and eliminating bias and discrimination on the basis of race, culture, religion, gender, language, disability, sexual orientation, or other attributes such as income or appearance
  - modelling positive behaviour (e.g., treating everyone with respect, interacting peacefully, avoiding stereotypes)
  - developing a welcoming and safe school environment
- For teachers and administrators:
  - liaising with community agencies to prevent or deal with problems
  - incorporating instructional strategies such as co-operative learning and role playing to help students develop interpersonal skills
  - further developing skills in early identification and intervention

- supporting the safety and welfare of victims and the reintegration of perpetrators
- mediating and managing conflicts (including those occurring in large-group situations) in order to diffuse them
- supporting the unique learning styles of all students
- using fair and non-violent discipline strategies that focus on teaching the student about appropriate behaviours while maintaining his or her self-respect

Parents or guardians are key partners in establishing a positive school environment.

Teachers and, where available, guidance counsellors play a key role in the prevention of violence and in the reintegration of students who have been involved in violent incidents. Other essential roles are developing and monitoring support services and referral processes to help deal with both perpetrators and victims. Teachers should also be skilled in the delivery of an integrated social-skills curriculum and, where appropriate, should be able to train students to participate in peer-counselling or peacemaker programs.

H. Home, School, and Community Involvement

Involvement of Parents or Guardians

School boards must involve parents or guardians in the development and implementation of violence-prevention policies.

Parents or guardians are key partners in establishing a positive school environment. By being involved in developing violence-prevention policies at the school-board and school levels, and understanding them, parents or guardians will be more likely to take an active role in implementation and help to ensure that their children adhere to the policies. Parent associations, including those represented on school boards' special-education advisory committees, can provide valuable input. Outreach efforts are also important to reflect the diversity of a school board's population and to obtain the involvement of parents or guardians who, for a variety of reasons, might not ordinarily participate.

School boards' violence-prevention policies should outline strategies that involve parents or guardians and include information on how and when such involvement is to occur. Schools need to seek the support and co-operation of parents or guardians of perpetrators of violence to effectively address the underlying causes of the violent behaviour. Parents or guardians of victims should be involved in the healing process, as well as in the establishment of procedures that will provide a safer environment for their children.

Open communication between parents or guardians, the school, and agencies is an important factor in ensuring the safety of the entire school community. Good rapport between the school and families allows problems to be addressed as early as possible, before they become serious. Open communication and linkages could also facilitate the education of parents or guardians on the issue of violence prevention.

Involvement of Students

Student involvement in developing and implementing violence-prevention policies is important, and must reflect the diversity of the student population. School boards and schools should consider ways of involving students of all ages. Students should be made aware at an early age that only a small number of them become involved in violent activities and that such behaviour does not represent the norm and is not acceptable.

School boards' violence-prevention policies must identify ways of making students aware of their responsibilities and ways in which students can help peers to ensure that all students lead lives that are free of violence. Schools should support activities planned and implemented with student input, including such programs and strategies as students' safe-school committees, peer counselling/helping programs, peer education, mentoring, violence-prevention awareness weeks or events, co-operative activities clubs, special assemblies, and violence-free activity days.

By participating, students feel more responsible for the school environment.

The involvement of students in planning and helping to deliver such programs is essential. By participating, students feel more responsible for the school environment. As well, students usually have a strong sense of the underlying issues in the school and the surrounding community that may lead to violence, and can make valuable suggestions for resolving these issues.

Involvement of All Staff

Knowledgeable and skilled staff members who share the goals of a safe, welcoming, violence-free school environment are essential for the successful implementation of violence-prevention policies. Staff must be involved throughout the development, implementation, monitoring/evaluation, and revision of the policies. Staff will have practical suggestions on how to develop and implement effective policies and programs, and can help identify priorities for staff development. The policy-development process needs to build support among staff to ensure that policies are effective and that all staff are willing to take responsibility as role models and agents of change.

Involvement of the Community

School boards must develop and maintain partnerships with the community to ensure that the community will support the implementation of violence-prevention policies in the school.

Professionals and community agencies – for example, the police; family and children's services; recreation services; parenting centres; parent associations with expertise in such areas as disabilities; child-care facilities; libraries; and medical, psychological, and social services – offer a variety of programs and services and, in many cases, advice that can be of assistance in reducing violence in the schools.

In many smaller communities, these services may not be available in French. French-language boards and sections should make every effort to initiate partnerships with the various community and social agencies to encourage the provision of services in French.

All members of the surrounding community (neighbours, storekeepers, workers in the area) benefit from and can help build a safer school community by providing co-operation and information. The community may include people who are good role models and speakers for students, or who may be willing to do volunteer work with students. Community leaders, such as Elders from the Aboriginal community, can be a valuable resource.

Schools must have a strong awareness of their communities to help students be alert and avoid potentially dangerous or violent situations.

In developing strong, co-operative linkages with the community, school boards and schools will help to build a positive and safe school environment.

PART TWO

Procedures for Reporting Violent Incidents to the Police and the Ministry of Education and Training and for Recording Violent Incidents

I Introduction

This part of *Violence-Free Schools Policy* addresses specifically the strategy for reporting serious violent incidents to the police and to the Ministry of Education and Training and for recording such incidents by:

- providing a summary of relevant legislative and regulatory provisions;
- providing school boards with a framework for developing procedures for reporting serious violent incidents to the police;
- providing direction to school boards regarding procedures to be followed in reporting serious violent incidents to the ministry;
- outlining procedures for the recording of information about serious violent incidents leading to suspension or expulsion and of referrals to the police, and for transferring this information to other schools.

This section of the document deals with the action to be taken *after* a serious violent incident has occurred. It forms an integral part of policy component (E), "Procedures for Dealing with Violent Incidents". As stated earlier, school boards and schools should involve parents at an early stage, before a situation escalates to the point at which the police must become involved. A healthy working relationship between a school and the community it serves will do much to foster mutual respect and understanding, and to alleviate some of the underlying causes of violence in schools.

II Duties of Principals, Teachers, and Students

The principal of a school, subject to the authority of the appropriate supervisory officer, is in charge of the instruction and discipline of students in the school, and the organization and management of the school.

The duties of principals, teachers, and students are set out in various statutes and regulations, as well as in ministry and school board policies and procedures. The following statutory and regulatory duties relating to maintaining safe learning environments in schools are highlighted, for informational purposes.

A. Education Act (R.S.O. 1990, c. E.2)

1. Principals

- clause 265(a) – to maintain proper order and discipline in the school
- clause 265(b) – to develop co-operation and co-ordination of effort among the members of the staff of the school
- clause 265(j) – to give assiduous attention to the health and comfort of the pupils, to the cleanliness, temperature, and ventilation of the school, to the care of all teaching materials and other school property, and to the condition and appearance of the school buildings and grounds
- clause 265(m) – subject to an appeal to the board, to refuse to admit to the school or classroom a person whose presence in the school or classroom would in the principal's judgement be detrimental to the physical or mental well-being of the pupils

2. Teachers

- clause 264(1)(d) – to assist in developing co-operation and co-ordination of effort among the members of the staff of the school
- clause 264(1)(e) – to maintain, under the direction of the principal, proper order and discipline in the teacher's classroom and while on duty in the school and on the school ground

B. Ontario Regulation 298

1. Principals

- clause 11(3)(e) – provide for the supervision of pupils during the period of time during each school day when the school buildings and playgrounds are open to pupils
- clause 11(3)(f) – provide for the supervision of and the conducting of any school activity authorized by the board
- clause 11(3)(k) – provide for instruction of pupils in the care of the school premises
- clause 11(3)(l) – inspect the school premises at least weekly and report forthwith to the board,
  - i) any repairs to the school that are required, in the opinion of the principal,
  - ii) any lack of attention on the part of the building maintenance staff of the school, and
  - iii) where a parent of a pupil has been requested to compensate the board for damage to or destruction, loss, or misappropriation of school property by the pupil and the parent has not done so, that the parent of the pupil has not compensated the board

2. Teachers

- clause 20(b) – carry out the supervisory duties and instructional program assigned to the teacher by the principal and supply such information related thereto as the principal may require
- clause 20(h) – co-operate with the principal and other teachers to establish and maintain consistent disciplinary practices in school

3. Pupils

- clause 23(1)(b) – exercise self-discipline
- clause 23(1)(c) – accept such discipline as would be exercised by a kind, firm, and judicious parent
- clause 23(1)(e) – be courteous to fellow pupils and obedient and courteous to teachers
- clause 23(1)(h) – show respect for school property
- subsection 23(4) – Every pupil is responsible for his or her conduct to the principal of the school that the pupil attends,
  - a) on the school premises;
  - b) on out-of-school activities that are part of the school program; and
  - c) while travelling on a school bus that is owned by a board or on a bus or school bus that is under contract to a board.

C. Child and Family Services Act (R.S.O. 1990, c. C.11)

Subsection 72(2) of the Child and Family Services Act (CFSA) imposes a duty on any person who believes, on reasonable grounds, that a child may be in need of protection to report this belief to a children's aid society. In addition, subsections 72(3) and (4) of the CFSA place a positive obligation on every person who performs professional or official duties with respect to a child, and who has reasonable grounds to suspect that a child is or may be suffering abuse, to report this suspicion, and the information on which it is based, to a children's aid society. To "suffer abuse" under this section means to be in need of protection under certain of the clauses of subsection 37(2) of the CFSA.

The ministry's Policy/Program Memorandum No. 9 elaborates on the reporting requirements of principals, teachers, and other professionals under the CFSA.

D. Trespass to Property Act (R.S.O. 1990, c. T.21)

The Trespass to Property Act can assist school personnel in the designation and maintenance of school sites as unique and special places. The act also facilitates the charging of offenders and, where necessary, their arrest.

The ministry's Policy/Program Memorandum No. 22 relates to the matter, and sets out a brief, developmental working-guide for establishing and maintaining a safe school environment.

III Suspension and Expulsion of Students

The Education Act and its regulations indicate that the principal, subject to the authority of the appropriate supervisory officer, is in charge of the discipline of students in the school. **Specific disciplinary action by the principal or the school board resulting from a violent incident is therefore not dealt with in this document.**

The following suspension/expulsion provisions, which are found in section 23 of the Education Act (as amended by Bill 4, which received Royal Assent on July 29, 1993), are provided for informational purposes only. It should be noted that, while principals may suspend students, only school boards have the authority to expel students or to readmit students who have been expelled.

A. Suspension

1. Subsection 23(1): Suspension of Pupil

A principal may suspend a pupil because of persistent truancy, persistent opposition to authority, habitual neglect of duty, the wilful destruction of school property, the use of profane or improper language, or conduct injurious to the moral tone of the school or to the physical or mental well-being of others in the school.

2. Subsection 23(1.1): Period of Suspension

A suspension is for a period fixed by the principal but not exceeding twenty school days, or a shorter period established by the board as the maximum period for suspensions.

3. Subsection 23(1.2): Notice

When a pupil is suspended, the principal shall,

a) notify in writing the pupil, the pupil's parent or guardian, the pupil's teacher, the board, the appropriate school attendance counsellor, and the appropriate supervisory officer of the suspension and the reasons for it; and

b) notify in writing the pupil and the pupil's parent or guardian of the right to appeal the suspension under subsection 23(2).

4. Subsection 23(2): Appeal Against Suspension

The parent or guardian or adult pupil may, within seven days of the beginning of the suspension, appeal to the board against the suspension. Whether or not there is an appeal, the board may remove, confirm, or modify the suspension and, where appropriate, may order that the record of the suspension be expunged.

5. Subsection 23(2.1): Effect of Appeal

An appeal under subsection 23(2) does not stay the suspension and, if the suspension expires before the appeal is determined, the board shall determine whether the suspension should be confirmed or whether the record of the suspension should be removed or modified.

6. Subsection 23(2.2): Review of Suspensions

If the pupil is suspended for the maximum period or more than once during a school year, the board shall ensure that a guidance counsellor or other appropriate resource person employed by the board:

a) reviews the circumstances of the suspension(s), and

b) where appropriate, informs the pupil and the pupil's parent or guardian (if the pupil is not an adult) of services that are available from the board or elsewhere in the community to assist the pupil.

B. Expulsion

1. Subsection 23(3): Expulsion of Pupil

A board may expel a pupil from its schools on the ground that the pupil's conduct is so refractory that the pupil's presence is injurious to other pupils or persons, if:

a) the principal and the appropriate supervisory officer so recommend;

b) the pupil and the pupil's parent or guardian have been notified in writing of:
   i) the recommendation of the principal and the supervisory officer, and
   ii) the right of the pupil (if an adult) or the pupil's parent or guardian to make representations at a hearing to be conducted by the board;

c) the teacher(s) of the pupil have been notified; and

d) such hearing has been conducted.

2. Subsection 23(5): Readmission of Pupil

A board may, at its discretion, readmit to school a pupil who has been expelled.

C. General

1. Subsection 23(4): Parties to Hearing

The parties to a hearing under section 23 of the Education Act shall be the parent or guardian, the pupil, if an adult, the principal, and, in the case of an expulsion, the appropriate supervisory officer.

2. Subsection 23(6): Committee to Perform Board Functions

The board may, by resolution, direct that the powers and duties of the board under subsections 23(2) to (5) be exercised by a committee of at least three members of the board named in the resolution or designated from time to time in accordance with the resolution.

IV Procedures for Reporting Violent Incidents to the Police

In Part One, III (E), of this document, school boards have been directed to develop procedures for dealing with violent incidents. One element of these procedures is the reporting of serious violent incidents to the police. This section of Part Two deals with the reporting of serious violent incidents to the police.

Each board's procedures must address five key components, as described below. If appropriate, boards may incorporate additional components.

A. Three Categories of Students, by Age

Because different legislative frameworks exist, based on age, students of different ages must be dealt with differently. The three age groups to be addressed are: under twelve years; twelve to seventeen years; and adults (i.e., eighteen years or older).

The procedures for contacting the police for serious violent incidents engaged in by students must be reflective of the three age groups.

1. Students Under Twelve Years of Age

Children under the age of twelve years cannot be charged with an offence under the Young Offenders Act (R.S.C. 1985, c. Y-1) or the Criminal Code (R.S.C. 1985, c. C-46). However, police may take reports of incidents of violent behaviour committed by children of this age group.

Boards should consult with the police to determine the types of incidents involving students in this age category that should be reported to the police. At a minimum, the need to report sexual assault and violent incidents in which students seriously injure others or cause serious damage to another person's property should be discussed with the police.

Where young children are behaving in a violent manner, a children's aid society may be the most appropriate recourse. Boards' procedures should include reference to this possibility.

2. Students Twelve to Seventeen Years Old and Adults

For those students aged twelve to seventeen years, the Young Offenders Act will apply. Students who are eighteen years or over are considered adults, and the procedures of the Criminal Code will be followed if these students are charged with a criminal offence.

B. Categories of Violent Incidents

Boards' procedures must address the categories of violent incidents to be reported to the police. Using the criminal justice system to solve a problem is a serious step that can have a major impact on the lives of perpetrators and victims. It should be used only after a serious violent incident has occurred.

Part One of this document, "Framework for School Boards' Violence-Prevention Policies", requires school boards to develop responses to violent incidents that take into account such factors as the underlying causes of the violence (e.g., racism, homophobia) and the consequences for the perpetrator. Fairness, firmness, and sensitivity should be the criteria used when responding to violent incidents.

For students under the age of twelve years, each individual violent incident should continue to be judged on its own merits. The decision to report to the police should continue to be made locally.

For students twelve years of age and older, the following categories of serious violent incidents must be reported to the police:

- possession of weapons (e.g., guns, knives)
- threats of serious physical injury
- physical assaults causing serious bodily harm
- sexual assault
- robbery and extortion
- any hate-motivated violence (e.g., incidents involving racism, homophobia)
- vandalism causing extensive damage to school property or property located on school premises

School boards may require principals to report additional categories of violent incidents to the police. Similarly, although the categories described above *must* be reported, students and parents or guardians are free to seek police involvement in incidents of violence that fall outside these categories, if they decide that such involvement is appropriate. School boards should consider whether employees, other than principals, should be authorized to call the police. Whenever authorized employees other than the principal report a violent incident to the police, the principal must be notified that the report has been made.

C. Location of the Violent Incident

Although this document is concerned with violence in schools, occasions do arise when it comes to the attention of school personnel that students are committing violent acts off school property. Boards shall address the issue of whether the principal has a duty to report such incidents to the police.

In determining when it is appropriate for the principal to report to the police violent incidents committed or likely to be committed at a location other than the school, such considerations as where the incident occurred or is likely to occur and its severity should apply.

Regardless of where the violent incident occurs, boards should be mindful that it may have an adverse effect on the students and that morale at school may suffer. Teachers and staff should make every effort to deal with students' concerns in an open and supportive manner.

D. Parent/Guardian Involvement

Clause 11(3)(n) of Ontario Regulation 298 requires the principal to report promptly any neglect of duty or infraction of the school rules by a student to the parent or guardian of the student.

When a violent incident is being reported to the police, parents or guardians must be contacted with the least possible delay. If a parent or guardian is unavailable, another adult chosen by the student should be contacted. However, a call to the police should not be delayed because of the unavailability of a parent or guardian, or another adult. Parents or guardians must nevertheless be informed as soon as possible that a referral has been made to the police.

Where a student is engaging in violent behaviour, every effort should be made to provide the student and the family with information and support.

Section 23 of the Education Act provides that where a student is suspended for the maximum twenty-day period, or is suspended more than once during the school year, the school board must ensure that a guidance counsellor, or other appropriate resource person employed by the board, reviews the circumstances of the suspension and, where appropriate, informs the student and the student's parent or guardian (if the student is not an adult) of the services that are available from the school board or some other agency in the community to assist the student. Every effort should be made to provide, at an early stage, information and support to all students who are engaging in violent behaviour and to their families.

E. Police Investigation at School and the Rights of Students

Clause 11(3)(o) of Ontario Regulation 298 requires the principal to promote and maintain close co-operation with residents, industry, business, and other groups, and agencies of the community. It is important that the principal promote and maintain close co-operation with the police. The police can act in a consulting role to assist school personnel to determine appropriate action in dealing with violence and to explain the procedures for police investigations.

Boards' procedures should address the working relationship between school personnel and law enforcement officers. Principals and teachers should be informed of the procedures that the police will follow when conducting an investigation at school, in order to ensure that it is neither compromised nor hindered. The police should be invited to assist the school board in developing this aspect of its procedures.

During a police investigation at school, it is the responsibility of the police, not the school staff, to explain to the student his or her legal rights. However, school personnel should be made aware of these rights since it is possible that the student may request that the principal or another member of the school staff be present during an interview with the police.

The parents or guardians of all students interviewed by the police during a police investigation at school must be contacted with the least possible delay. If a parent or guardian is unavailable, another adult chosen by the student should be contacted.

Some of the relevant provisions of the Young Offenders Act and the Canadian Charter of Rights and Freedoms (Constitution Act, 1982) are provided, for informational purposes, in Appendix I.

V Record Keeping of Violent Incidents Leading to Suspension/Expulsion and of Reports to the Police

The following sections of the Education Act govern the establishment of the Ontario Student Record (OSR):

- Clause 265(d) states that it is the duty of a principal:
  in accordance with this act, the regulations and the guidelines issued by the Minister, to collect information for inclusion in a record in respect of each pupil enrolled in the school and to establish, maintain, retain, transfer and dispose of the record.
- Subsection 266(2) states in part:
  A record is privileged for the information and use of supervisory officers and the principal and teachers of the school for the improvement of the instruction of the pupil. . . .

In addition, the contents of the OSR are described in the guideline *Ontario Student Record (OSR), 1989.*

It should be noted that the OSR may be the subject of a search warrant or a subpoena and, if so, must be produced. In such instances, reference should be made to section 4 of the OSR guideline.

The information relating to serious violent incidents leading to reports to the police, as well as the information relating to serious violent incidents leading to suspension or expulsion, must be maintained in the OSR. This information is to be recorded on the Violent Incident Form (see Appendix II).

A. Insertion of Information in the OSR

The following information will be included in the OSR:

- a Violent Incident Form, containing:
  - a description of the serious violent incident leading to a suspension or expulsion or a call to the police
  - a reference to the call to the police, if applicable
  - a reference to the school/board disciplinary response to the incident, if applicable
- a copy of the school board's letter(s) to the student and/or parent(s) or guardian(s) regarding the suspension or expulsion for violent behaviour

B. Removal of Information from the OSR

- The information relating to suspension for violent behaviour shall not be removed from the OSR unless three consecutive years have passed during which no further suspensions for serious violent incidents have taken place.
- The information relating to expulsion shall be removed five years after the date on which the school board expelled the student.
- Where an expelled student has been readmitted to school by a school board, and is expelled again, the information relating to the explusions shall not be removed from the OSR until five consecutive years have passed without any further expulsion.
- Where the student has not been suspended or expelled, the Violent Incident Form shall be removed after three years if no further serious violent incident is reported to the police during that time.

C. Transfer of the OSR

If the student transfers to another school, the information in the OSR relating to the serious violent incident that led to suspension or expulsion, as well as to a report to the police, will remain in the OSR unless removed under (A) or (B) above. The transfer will occur in accordance with section 6 of the guideline *Ontario Student Record (OSR), 1989.*

VI Reporting Violent Incidents to the Ministry of Education and Training

Clause 265(i) of the Education Act states that it is the duty of a principal

> to furnish to the Ministry and to the appropriate supervisory officer any information that it may be in the principal's power to give respecting the condition of the school premises, the discipline of the school, the progress of pupils and any other matter affecting the interests of the school, and to prepare such reports for the board as are required by the board.

Boards shall report to the Ministry of Education and Training incidents of violence resulting in suspension or expulsion, and those reported to the police, on an annual basis in the September Report.

The data to be reported to the ministry will be statistical by category. The categories of serious violent incidents are to be the same as those set out in IV(B) above.

Boards will commence collecting information on incidents resulting in suspension or expulsion for violent behaviour, and those reported to the police, in September 1994 for submission to the ministry in September 1995.

The collection of data by the Ministry of Education and Training on serious violent incidents will make it possible for the ministry to create a statistical overview for the province and to track the development of trends in violent activities over given periods of time. Identification of such trends will, in turn, help in the development of appropriate curriculum materials and give direction for professional development for teachers and staff.

Appendix I

A. Young Offenders Act (R.S.C. 1985, c. Y-1)

1. Admissibility of Statements

Section 56 of the Young Offenders Act deals with the admissibility of statements made by young persons to the police. It sets out the procedures that the police must follow in obtaining the statements and the rules that must be followed in order for a statement to be considered admissible in court.

Subsection 56(2) is reproduced in its entirety:

> No oral or written statement given by a young person to a peace officer or other person who is, in law, a person in authority is admissible against the young person unless
>
> a) the statement was voluntary;
>
> b) the person to whom the statement was given has, before the statement was made, clearly explained to the young person, in language appropriate to his age and understanding, that
>
> i) the young person is under no obligation to give a statement,
>
> ii) any statement given by him may be used as evidence in proceedings against him,
>
> iii) the young person has the right to consult another person in accordance with paragraph (c), and
>
> iv) any statement made by the young person is required to be made in the presence of the person consulted, unless the young person desires otherwise;
>
> c) the young person has, before the statement was made, been given a reasonable opportunity to consult with counsel or a parent, or in the absence of a parent, an adult relative, or in the absence of a parent and an adult relative, any other appropriate adult chosen by the young person; and
>
> d) where the young person consults any person pursuant to paragraph (c), the young person has been given a reasonable opportunity to make the statement in the presence of that person.

It is important to note that the young person must be advised of his or her rights in a manner that enables him or her to understand them. It will be the responsibility of the police to advise the student of his or her rights. Also, the young person may consult with legal counsel or a parent or other appropriate adult. In some cases, the young person may prefer to have a teacher or a principal present when making a statement.

2. Identity Not to Be Published

Subsection 38(1), which relates to the non-publication of the identity of a young person, is reproduced in full:

> Subject to this section, no person shall publish by any means any report
>
> a) of an offence committed or alleged to have been committed by a young person, unless an order has been made under section 16 with respect thereto [section 16 deals with transfer to adult court], or
>
> b) of a hearing, adjudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence
>
> in which the name of the young person, a child or a young person who is a victim of the offence or a child or a young person who appeared as a witness in connection with the offence, or in which any information serving to identify such young person or child, is disclosed.

The interpretation of "publish" and "report" under subsection 38(1) was addressed in two cases. In the first, *Re Peel Board of Education and B* (1987) 59 O.R. (2d) 654, the court held that an expulsion hearing under section 23 (formerly section 22) of the Education Act constitutes both publication and a report.

However, the as-yet-unreported court decision *F.G. and J.M.* v *The Scarborough Board of Education* has overturned *Re Peel* and ruled that the word "publish" does not refer to an expulsion hearing under the Education Act, which may be held *in camera.* Therefore, based on this decision, it appears that school boards may hold expulsion hearings even if criminal charges arising from the incident are pending under the Young Offenders Act. Boards should consult with their legal counsel regarding subsection 38(1) of the Young Offenders Act to ensure that they do not inadvertently violate it in the course of preparing for or holding an expulsion hearing.

It should also be noted that subsection 23(2) of the Young Offenders Act, which relates to probation orders, and subsection 26.2(3), which pertains to conditions for conditional supervision, may include a requirement that the young person attend school. Clause 35(1)(b), which deals with temporary release from custody, permits a young person to be released to attend school. Two other sections of the Young Offenders Act that may be of interest are section 36, which relates to the effect of an absolute discharge or the termination of the disposition, and section 44.1, which relates to access to court records.

B. Canadian Charter of Rights and Freedoms (Constitution Act, 1982)

Section 7 Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8 Everyone has the right to be secure against unreasonable search or seizure.

Section 9 Everyone has the right not to be arbitrarily detained or imprisoned.

Section 10 Everyone has the right on arrest or detention

a) to be informed promptly of the reasons therefor;

b) to retain and instruct counsel without delay and to be informed of that right; and

c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

Section 11 Any person charged with an offence has the right

a) to be informed without unreasonable delay of the specific offence;

b) to be tried within a reasonable time;

c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

e) not to be denied reasonable bail without just cause;

f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Section 12 Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Appendix II

Violent Incident Form

Name of student:

A. Description of Violent Incident

B. Police Contact

1. Date of contact	2. Date of police investigation at school	3. Name of investigating officer(s):

C. School/Board Response

1. ☐ Suspension 2. ☐ Expulsion 3. ☐ Other _____

Date of inclusion in OSR	Principal's/designate's signature

(Please refer to the document *Violence-Free Schools Policy* for direction on the removal of this form from the OSR.)

Notes:

Notes:

Notes:

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